

Date of Deposit: June 29, 2011

Docket No.: 19374-515 NATL
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
Sean Farmer et al.

Patent No.: 7,700,093

Confirmation No.: 5510

Issued: April 20, 2010

Art Unit: 1651

For: Methods For The Increasing Lactose Digestion

Examiner: Irene Marx

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION REGARDING ENTITY STATUS

The above-referenced application was filed as a small entity on April 12, 2007. However, Applicants have discovered that small entity status was asserted in error and without deceptive intent when the national stage application was filed and the accompanying fees were paid.

In accordance with 37 C.F.R. § 1.28(c)(1)-(c)(2), Applicants submit herein an itemization and deficiency payment resulting from previous payments of small entity fees.

Itemization of the Deficiency Payment is presented on page 2 of this paper

Remarks begin on page 3 of this paper.

Itemization of the Deficiency Payment:

Type of Fee	Small Entity Fee Actually Paid	Date of Payment	Current Large Entity Fee Amount	Deficiency Owed
Basic national stage fee	\$150.00	06/05/2006	\$330.00	\$180.00
National stage examination fee - All other situations	\$100.00	06/05/2006	\$220.00	\$120.00
National stage search fee - All other situations	\$250.00	06/05/2006	\$540.00	\$290.00
Claims in excess of 20	\$1,400.00	06/05/2006	\$2,912.00	\$1,512.00
Independent claims in excess of three	\$1,600.00	06/05/2006	\$3,520.00	\$1,920.00
Surcharge	\$65.00	04/12/2007	\$130.00	\$65.00
Total Deficiency Payment Owed:				\$4,087.00

REMARKS

In accordance with the provisions of 37 C.F.R. § 1.28(c)(1)-(c)(2), Applicants submit herein an itemization and deficiency payment resulting from the previous payment of small entity fees. **Applicants authorize the Commissioner to charge the payment in the amount of \$4,087.00 to cover the deficiency payment to Deposit Account No. 50-0311 (Reference No. 19374-515 NATL).**

Pursuant to 37 C.F.R. § 1.28(d), this deficiency payment also serves as a notification that this application is not entitled to small entity status.

Although Applicants believe that no additional fees are due in connection with this submission, the Commissioner is authorized to charge any deficiencies to Deposit Account No. 50-0311 (Reference No. 19374-515 NATL).

Dated: June 29, 2011

Respectfully submitted,

By IA Beattie
Ingrid A. Beattie, Ph.D., J.D.
Registration No.: 42,306
Daniel W. Clarke, J.D., Ph.D.
Registration No.: 63,993
MINTZ LEVIN COHN FERRIS GLOVSKY
AND POPEO, P.C.
One Financial Center
Boston, Massachusetts 02111
(617) 542-6000
Attorneys for Applicant